

**REMARKS**

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The rejection of claims 22-25, 27, and 31 under 35 U.S.C. § 112 (1st para.) for failure to satisfy the written description requirement is respectfully traversed in view of the above amendments. Support for the amendments to claims 22 and 24 is found in the originally filed versions of these claims, at page 70, lines 13-15 of the specification, and in Figure 11. The scope of the pending claims is consistent with the U.S. Patent and Trademark's acknowledgment that the specification enables a "promoter *comprising* a nucleic acid sequence of SEQ ID NO:4" and transgenic plants "comprising said promoter operatively associated with a gene of interest" (Office Action, at page 4, lines 10-12) (emphasis added).

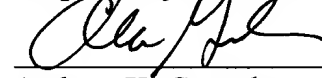
The rejection of claims 22-25, 27, and 31 under 35 U.S.C. § 112 (1st para.) for lack of enablement is respectfully traversed in view of the cancellation of claim 31 and the above amendments for the reasons noted above.

The rejection of claim 31 under 35 U.S.C. § 102(b) as being anticipated by Bevan et al., GenBank Accession No. AL035605 (1999) is respectfully traversed in view of the cancellation of claim 31.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

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Respectfully submitted,



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